

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

JOAQUÍN CARCAÑO; PAYTON GREY
MCGARRY; H.S., by her next friend and
mother, KATHRYN SCHAFER; ANGELA
GILMORE; KELLY TRENT; BEVERLY
NEWELL; and AMERICAN CIVIL
LIBERTIES UNION OF NORTH
CAROLINA,

Plaintiffs,

v.

PATRICK MCCRORY, in his official
capacity as Governor of North Carolina;
UNIVERSITY OF NORTH CAROLINA;
BOARD OF GOVERNORS OF THE
UNIVERSITY OF NORTH CAROLINA;
and W. LOUIS BISSETTE, JR., in his
official capacity as Chairman of the Board
of the University of North Carolina,
Defendants.

Case No. 1:16-cv-00236-TDS-JEP

**UNOPPOSED MOTION TO INTERVENE BY THE HON. PHIL BERGER,
PRESIDENT PRO TEMPORE OF THE NORTH CAROLINA SENATE, AND
THE HON. TIM MOORE, SPEAKER OF THE NORTH CAROLINA HOUSE OF
REPRESENTATIVES**

By: /s/ S. Kyle Duncan
S. KYLE DUNCAN* (DC Bar #1010452)

Lead Counsel

GENE C. SCHAERR* (DC Bar #416638)

SCHAERR | DUNCAN LLP

1717 K Street NW, Suite 900

Washington, DC 20006

202-714-9492

571-730-4429 (fax)

kduncan@schaerr-duncan.com

**Specially Appearing Pursuant to Local
Civil Rule 83.1(d)*

By: /s/ Robert D. Potter, Jr.
ROBERT D. POTTER, JR. (NC Bar #17553)

ATTORNEY AT LAW

2820 Selwyn Avenue, #840

Charlotte, NC 28209

704-552-7742

rdpotter@rdpotterlaw.com

Attorneys for Proposed Intervenors

UNOPPOSED MOTION TO INTERVENE

Pursuant to Federal Rule of Civil Procedure 24 and Local Rule 7.3, Proposed Intervenor Phil Berger and Tim Moore seek to intervene as Defendants in their official capacities as the President pro tempore of the North Carolina Senate and Speaker of the North Carolina House of Representatives, respectively. For the reasons stated in accompanying memorandum, Proposed Intervenor respectfully request that this Court issue an order granting them permissive intervention under Federal Rule of Civil Procedure 24(b)(1), or, alternatively, intervention of right under Federal Rule of Civil Procedure 24(a)(2). As required by Federal Rule of Civil Procedure 24(c), Proposed Intervenor are contemporaneously filing a Proposed Answer and Counterclaims.

Before filing, counsel for Proposed Intervenor conferred with counsel for all Plaintiffs and Defendants. No Plaintiffs or Defendants oppose this motion.

Respectfully submitted,

By: /s/ S. Kyle Duncan
S. KYLE DUNCAN* (DC Bar #1010452)
Lead Counsel

GENE C. SCHAERR* (DC Bar #416638)
SCHAERR | DUNCAN LLP
1717 K Street NW, Suite 900
Washington, DC 20006
202-714-9492; 571-730-4429 (fax)
kduncan@schaerr-duncan.com

**Specially Appearing Pursuant to Local
Civil Rule 83.1(d)*

By: /s/ Robert D. Potter, Jr.
ROBERT D. POTTER, JR. (NC Bar #17553)
ATTORNEY AT LAW
2820 Selwyn Avenue, #840
Charlotte, NC 28209
704-552-7742
rdpotter@rdpotterlaw.com

Attorneys for Proposed Intervenor

CERTIFICATE OF SERVICE

I hereby certify that on May 25, 2016, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record.

/s/ S. Kyle Duncan
S. Kyle Duncan
Attorney for Proposed Intervenors